IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 21122 of 2004

Between:

B.Pocham, S/o.Balaraju,
Grampanchayath, Godisiryal, Kodem Mandal, Adilabad District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep.by its Principal Secretary to the Panchayath raj Dept., Secretariat buildings, Hyderabad.
2 The District Collector (Panchayath Wing), Adilabad District, Adilabad.
3 The Divisional Panchayath officer, Nirmal, Adilabad District.
4 The Extension officer (PR & RD), Koddam, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent No.1 in not granting any stay suspending the order in proc No.893/K4.pts/03 dated 26-10-2004 passed by the respondent No.2 against which the petitioner preferred a revision and not fixing any date for hearing the said Revision filed on 10-11-2004, is arbitrary, illegal, null and void and also violative of the section 264(2) of the A.P.Panchayath Raj Act and consequently direct the respondent No.1 to dispose of the Revision of the petitioner filed on 10-11-2004 against the order in Proc No.893/K4.Pts/03 dated 26.10.2004 passed by the respondent No.2 at an early date and be pleased to pass an order of suspending the order in proc.No.893/K4.pts/03 dated 26-10-2004 passed by the respondent No.2 until the disposal of the Revision by the respondent No.1.

Counsel for the Petitioner:MR.C.HARI PREETH

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following :

ORDER

Petitioner, who was Sarpanch of Godisiryal Gram Panchayat, hastily approached this Court by way of filing the writ petition, complaining inaction on the part of the first respondent in passing orders on the stay application filed by him along with the revision, which was admittedly filed on 10.11.2004. The said revision was filed against the order passed by the Collector (Panchayat Wing), Adilabad dated 26.10.2004, whereby the petitioner was placed under suspension by invoking the powers under Section 249(6) of the A.P. Panchayat Raj Act.

In view of the facts and circumstances of the case, the first respondent is directed to consider and pass appropriate orders on the stay application filed by the petitioner along with the revision on 10.11.2004, within a period of two (2) weeks from the date of receipt of a copy of this order.

The writ petition is dismissed with the above direction. No order as to costs.

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A. GOPAL REDDY. J.

18th November, 2004

Note: Issue C.C. in three days

(B/o)

tsr.

To

1 The Principal Secretary to the Panchayath raj Dept., Government of Andhra Pradesh, Secretariat buildings, Hyderabad.
2 The District Collector (Panchayath Wing), Adilabad District, Adilabad.
3 The Divisional Panchayath officer, Nirmal, Adilabad District.
4 The Extension officer (PR & RD), Koddam, Adilabad District.

5. Two C.C.s to Government Pleader for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad.(OUT)

6. Two C.D. copies.